

FILED

OCT 21 2015

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN BROSNAN,

Plaintiff,

Vs.

NATIONAL LOAN CENTER, LENDIO.COM,
LENDIO INCORPORATED.COM,
BUSINESSBOUNCE.COM, JASON KATZ,
AND DOES 1-99,

Defendants.

Case No. 15-cv-03487-JCS

**JOINT CASE MANAGEMENT
STATEMENT & [PROPOSED] ORDER**

**SUBMITTED SOLELY BY
PLAINTIFF DUE TO NON-
RESPONSE BY DEFENDANTS**

The parties to the above-entitled action jointly submit this JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER pursuant to the Standing Order for All Judges of the Northern District of California dated July 1, 2011 and Civil Local Rule 16-9.

This JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER is submitted solely by Plaintiff due to defendants non-response to attempts to serve defendants via mail with a NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS.

1. Jurisdiction and Service

This Court has federal question jurisdiction because this case arises out of violation of federal law. 47 U.S.C. §227(b);

1 *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740 (2012).

2 All defendants have been served with this instant action
3 with a NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A
4 SUMMONS via the United States Postal Service ("USPS"), none have
5 responded. Plaintiff, will cause defendants to be served, by
6 November 1, 2015, with a NOTICE OF A LAWSUIT AND REQUEST TO WAIVE
7 SERVICE OF A SUMMONS via USPS certified mail with a return
8 receipt requested. In the event defendants refuse to accept
9 service of this instant action via USPS certified mail with a
10 return receipt requested, Plaintiff will then cause this instant
11 action to be served on defendants via licensed process server.

12 **2. Facts**

13 Plaintiff is the recipient of numerous Robocalls, by or on
14 behalf of defendants, in violation of 47 C.F.R. 64.1200.
15 Defendants are aware of the illegal nature of Robocalls.

16 **3. Legal Issues**

17 Plaintiff is the recipient of numerous Robocalls, by or on
18 behalf of defendants, in violation of 47 C.F.R. 64.1200.
19 Plaintiff is entitled to statutory damages as well as other
20 damages related to the illegal Robocalls.

21 **4. Motions**

22 No prior motions have been filed. Plaintiff anticipates
23 filing a motion to recover costs of service in the event
24 defendants don't respond to the NOTICE OF A LAWSUIT AND REQUEST
25 TO WAIVE SERVICE OF A SUMMONS sent via the USPS.

26 **5. Amendment of Pleading**

27 None at this time.

28 **6. Evidence Preservation**

29 Plaintiff has reviewed the Guidelines Relating to the
30 Discovery of Electronically Stored Information ("ESI
31 Guidelines").

32 Plaintiff has not met and conferred with defendants,
33 pursuant to Fed. R. Civ. P. 26(f), because defendants have yet to

1 submit to the jurisdiction of the Court.

2 **7. Disclosures**

3 Defendants have not submitted themselves to the jurisdiction
4 of the court, therefore, there have not been any disclosures.

5 **8. Discovery**

6 No discovery has been taken as of October 20, 2015.

7 **9. Class Actions**

8 This is not a class action case.

9 **10. Related Cases**

10 Plaintiff is not aware of any related cases that are open.

11 **11. Relief**

12 Plaintiff seeks statutory damages as provided for by 47
13 U.S.C. § 227, also known as the Telephone Consumer Protection
14 Act. Plaintiff additionally seeks punitive damages against all
15 defendants, legal fees and costs, as well as injunctive relief.

16 **12. Settlement And ADR**

17 None yet.

18 **13. Consent to Magistrate Judge For All Purposes**

19 Plaintiff consents to have a magistrate judge conduct all
20 further proceedings including trial and entry of judgment.

21 **14. Other References**

22 Not applicable.

23 **15. Narrowing of Issues**

24 The issues can be narrowed to the Robocalls.

25 **16. Expedited Trial Procedure**

26 Defendants haven't responded.

27 **17. Scheduling**

28 Defendants haven't responded.

29 **18. Trial**

30 Plaintiff requests a jury trial. Plaintiff estimates a jury
31 trial will take 4 days.

32 **19. Disclosure of Non-party Interested Entities or Persons**

33 Plaintiff has filed a Certification of Interested Entities or

Persons.

20. Professional Conduct

Plaintiff has reviewed the guidelines.

21. Other

None at this time.

DATED: October 19, 2015 /s/ John Brosnan — Pro Se

CASE MANAGEMENT ORDER

The above JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER is approved as the Case Management Order for this case and all parties shall comply with its provisions. [In addition, the Court makes the further orders stated below:]

IT IS SO ORDERED.

Dated:

UNITED STATES DISTRICT/MAGISTRATE JUDGE